

#38  
PATENT APPLICATION (NE)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FYI

In re Application of

JUL 1 - 1994

Adang et al

RECEIVED IN  
BOX INTERFERENCE

Application No: 07/713,624

Group Art Unit: 1805

Filed: June 10, 1991

Examiner: Dr. Che Chereskin

For: INSECT RESISTANT PLANTS

EXCESS CLAIM FEE PAYMENT LETTER

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

Attached hereto is an Amendment under 37 C.F.R. §1.115 in the above-identified application. Applicants are amending the present application by adding two (2) independent claims.

The Patent Office is hereby authorized to charge the fee of \$148.00 pursuant to 37 C.F.R. § 1.116(b), for the above addition of two (2) independent claims, to our Deposit Account No. 19-4880. A duplicate copy of this Letter is enclosed for this purpose.

Respectfully submitted,

Thomas J. Macpeak / Susan J. Mack  
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Registration No. 19,292 / 30,951  
Lead Attorney for Adang et al

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July 1, 1994

PATENT APPLICATION

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Group Art Unit: 1804

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AMENDMENT UNDER 37 C.F.R. 1.115

#37/C  
(IV/S)  
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JUL 1 1994

Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

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Sir:

Pursuant to Adang's Motion 4, filed in Interference  
No. 103,324, please add the following new claims:

68. A method of controlling insects harmful to dicotyledonous  
plants comprising:

(a) transforming a dicotyledonous plant cell capable of  
regeneration to contain a full-length or less than full-length  
*Bacillus thuringiensis* crystal protein structural gene that encodes  
crystal protein toxin and a plant expressible promoter whereby the  
gene is expressed in the dicotyledonous plant cell under control of  
the promoter;

(b) regenerating said plant cell to form a dicotyledonous  
plant or plant tissue that expresses said crystal protein toxin in  
amounts that control said insects; and

(c) allowing said insects to feed on said plant or plant  
tissue whereby said insects are controlled.